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GREAT FALLS DIV.

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PATRICK J. CLARK CLERK  
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**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**GREAT FALLS DIVISION**

VICTOR FOURSTAR, JR.,

Plaintiff,

No. CV-04-93-GF-SEH

vs.

**ORDER**

TERRY BOYD, FREEDOM CRAWFORD,  
KLAUS P. RICHTER, RENA AZURE,  
FRANCIS RATTLING THUNDER, and  
MELVIN CLARK,

Defendants.

On August 14, 2004, United States Magistrate Judge Carolyn S. Ostby entered Findings and Recommendation<sup>1</sup> in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Ostby's Findings and Recommendation for clear error.

Judge Ostby found: (1) the same claim for relief that is contained in the proposed amended pleading is already made in the Complaint and there is no valid purpose behind the

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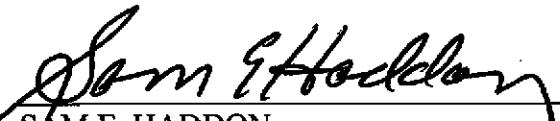
<sup>1</sup> Docket No. 124.

proposed amendments; (2) no reasonable juror could find in Fourstar's favor on his claim of excessive force; (3) none of the Defendants violated Fourstar's rights; (4) all of the Defendants had authority to act in Fourstar's case; and (5) Fourstar's other pending motions are moot because his allegations lack merit. Judge Ostby recommended that Plaintiff's motion to amend the complaint should be denied and Defendants' Motion for Summary Judgment should be granted. I see no clear error in Judge Ostby's Findings and Recommendation. I, therefore, adopt Judge Ostby's Findings and Recommendation in full.

**ORDERED:**

1. Plaintiff's Motion For Leave To Amend Complaint 42 U.S.C. § 1983 Pursuant to Rule 15(a) of Fed. Rules of Civ. Proc. is DENIED as futile.
2. Defendants' Motion For Summary Judgment is GRANTED.

DATED this 6<sup>th</sup> day of September, 2006.



SAM E. HADDON  
United States District Judge